

ALPA SUBMISSION

Biosecurity Bill 2013

TO:

Agriculture, Resources and Environment Committee
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Introduction

The Australian Livestock & Property Agents Association Ltd (ALPA) submission is in response to the Agriculture, Resources and Environment Committee's invitation for written submissions regarding the *Biosecurity Bill 2013*.

ALPA is the national peak industry body for livestock and property agents. ALPA represents more than 1,200 agency businesses across Australia. Collectively this group plays an important role in livestock, wool, merchandise and rural property sales and marketing. ALPA members handle in excess of 97% of rural agency business Australia wide.

ALPA is one of the largest national organisations of small rural business men and women relied on to protect the interests of agents and producers nationally.

ALPA appreciates the opportunity to provide this submission.

Comments:

Saleyard definition

ALPA has concerns surrounding the definition of "saleyard". Currently the definition from the *Biosecurity Bill 2013* is as follows:

saleyard means any yard, premises or place where designated animals are—

- (a) sold or offered or exhibited for sale; or
- (b) held or kept for the purpose of being sold or offered or exhibited for sale; or
- (c) held or kept on being sold.

ALPA's apprehension is that this is a very broad definition, particularly point (b) which could almost be construed as being anywhere. For example, based on this definition a "saleyard" could be interpreted as a paddock, whereby a buyer inspects and buys livestock for direct consignment to either another property or an abattoir. Another example is sales to abattoirs, whereby the sale is not concluded until the carcass has been weighed. Both examples are technically correct and fit the definition's requirements that where animals are "held or kept for the purpose of being sold or offered or exhibited for sale" is a saleyard. This is far from the intention of the definition and is also a long way removed from the public's perception of a saleyard where a public auction has been undertaken.

With such a broad definition ALPA is concerned with implications this may create for responsibilities that may be assumed if this definition is not amended. One such example is NLIS transfers which is referred to in the following sections:

187 Special designated animal delivered to saleyard or live export holding

If the receiver takes delivery of the special designated animal at a saleyard or live export holding, the receiver must, unless the receiver has a reasonable excuse—

- (a) within 48 hours after taking delivery of the animal at the saleyard or live export holding, give the NLIS administrator the prescribed information; and
- (b) within 48 hours after the animal is moved from the saleyard or from the live export holding to a place outside Australia, give the NLIS administrator the prescribed information.

Maximum penalty—100 penalty units.

190 Special designated animal delivered to another place

(1) This section does not apply if any of sections 186 to 189 apply.

(2) If the receiver takes delivery of the special designated animal at the place, the receiver must, unless the receiver has a reasonable excuse, within 48 hours after taking delivery of the animal, give the NLIS administrator the prescribed information.

Maximum penalty—100 penalty units.

Due to the broadness of the saleyard definition “another place” referred to in S190 could fit the definition requirements that where animals are “held or kept for the purpose of being sold or offered or exhibited for sale” is a saleyard, therefore as per S190 (1) the section does not apply as S187 would be applicable. This could lead to the implied responsibility for a saleyard operator to update the NLIS administrator for a sale that has not physically occurred in a saleyard in its true meaning.

As illustrated, there is confusion and lack of consistency between the legislative definition, practicalities and intention.

Movement record requirements

ALPA has concerns with the ability for some of the information required in the movement records to be provided. Section 195 states:

195 Appropriate form of movement record

(1) For the movement record requirement, a movement record that relates to the movement of a designated animal is in the appropriate form if it is a document in hard copy or electronic form that clearly sets out the following information—

- (c) where the designated animal is being moved to, and the name and address of the person who is to receive the animal;

The concern lies in the requirement to provide the name and address of the “person” as per S195 (1) (c). In the majority of instances the name of the individual will be unknown. To add to the confusion the Livestock Production Assurance National Vendor Declaration (LPA NVD), which is a recognised movement record, refers to “Consigned to: Name of person **or business**”.

Recommendations:

Saleyard definition

ALPA's recommendation is to amend the saleyard definition to be in line with the perception that a saleyard is where a public auction of livestock takes place. One suggestion is the definition from the NLIS (Sheep and Goats) Business Rules which defines a saleyard as:

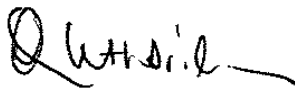
"Any place where stock are aggregated and sold by public auction or tender, and may include on-property sales, circuit sales, sales at shows and sales interfaced with on-line sales."

Movement record requirements

ALPA recommends the removal of the reference to the "name of the person" as information required to be provided in a movement record or to incorporate the words "or business" as per the LPA NVD.

Thank you for considering the recommendations we have made and we would welcome the opportunity to discuss further if necessary.

Yours faithfully



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ALPA membership is a signature of professionalism in the industry